

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DONICE BLOODWORTH, JR.,

Plaintiff,

Case No.: 1:22-cv-06261

v.

Judge Matthew F. Kennelly

THE PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON SCHEDULE “A”,

Magistrate Judge Young B. Kim

Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF’S  
MOTION FOR ENTRY OF A PRELIMINARY INJUNCTION**

Plaintiff submits this Memorandum of Law in support of Plaintiff’s Motion for Entry of a Preliminary Injunction.

## **MEMORANDUM OF LAW**

### **I. INTRODUCTION**

Plaintiff, DONICE BLOODWORTH, JR. (“Bloodworth” or “Plaintiff”), brings the present action against the Defendants identified on Schedule A (collectively, the “Defendants”) for Copyright Infringement (Count I). As alleged in Plaintiff’s Complaint, Defendants are selling unauthorized products that are derivative works of the copyrighted subject matter of Bloodworth’s copyrighted artwork, hereinafter referred to as the “DaCre8iveOne Works.” The Defendants are promoting, advertising, distributing, offering for sale, and selling products infringing Plaintiff’s copyrighted material (the “Infringing DaCre8iveOne Products”) through various fully interactive commercial internet websites operating under at least the Defendant online marketplace accounts listed in Schedule A (collectively, the “Defendant Internet Stores”).

### **II. STATEMENT OF FACTS**

On November 14, 2022, this Court granted Plaintiff’s Motion for a Temporary Restraining Order (the “TRO”). [15]. The TRO authorized Plaintiff to provide notice of these proceedings and the preliminary injunction hearing to Defendants by electronically publishing a link to the Complaint, the TRO and other relevant documents on a website or by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Donice Bloodworth, Jr. and any e-mail addresses provided for Defendants by third parties that includes a link to said website. TRO at ¶ 7. Since and pursuant to entry of the TRO, dozens of Amazon accounts associated with the Defendant Internet Stores have been frozen. *See* Declaration of Keith A. Vogt (hereinafter “Vogt Declaration”) at ¶ 2.

Plaintiff respectfully requests that this Court convert the TRO to a preliminary injunction against Defendants, so that they remain enjoined from the manufacture, importation, distribution, offering for sale, and sale of Infringing DaCre8iveOne Products during the pendency of this

litigation. As part of the Preliminary Injunction, Plaintiff requests that Defendants' Amazon accounts remain frozen until completion of these proceedings.

### **III. ARGUMENT**

#### **a) A Preliminary Injunction Extending Relief Already Granted in the TRO Is Appropriate**

Plaintiff respectfully requests that this Court convert the TRO to a preliminary injunction to prevent further unlawful conduct by Defendants. This Court, in addressing similar allegations of Internet-based infringement, has also issued preliminary injunctions following a temporary restraining order. *See, e.g., Cecilia Granata v. The Partnerships and Unincorporated Associations Identified on Schedule "A"*, No. 22-cv-00052 (N.D. Ill. Jan. 20, 2022); *Yun Kyung Lee. v. The Partnerships and Unincorporated Associations Identified on Schedule "A"*, No. 22-cv-00007 (N.D. Ill. Jan. 18, 2022). *See* Exhibit 1 to Declaration of Keith A. Vogt (hereinafter "Vogt Declaration").

#### **i) This Court Has Already Found that the Requirements for a Preliminary Injunction Have Been Satisfied**

Since the standard for granting a TRO and the standard for granting a preliminary injunction are identical in this Circuit, the requirements for entry of a preliminary injunction extending the TRO have been satisfied. *See, e.g. Charter Nat'l Bank & Trust v. Charter One Fin., Inc.*, No. 1:01-cv-00905, 2001 WL 527404, \*1 (N.D. Ill. May 15, 2001) (citations omitted). A temporary restraining order or preliminary injunction may be issued upon a showing that: "(1) there is a reasonable likelihood that Plaintiff will succeed on the merits; (2) Plaintiff will suffer irreparable injury if the order is not granted because there is no adequate remedy at law; (3) the balance of hardships tips in Plaintiff's favor; and (4) the public interest will not be disserved by the injunction." *Columbia Pictures Indus., Inc. v. Jasso*, 927 F. Supp. 1075, 1076 (N.D. Ill. 1996).

By virtue of this Court's entry of the TRO, it has already found that the above requirements have been satisfied.

**ii) The Equitable Relief Sought Remains Appropriate**

The Copyright Act authorizes courts to issue "grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of a copyright." 17 U.S.C. § 502(a).

Plaintiff requests conversion of the TRO to a preliminary injunction so that Defendants' accounts in U.S.-based financial institutions remain frozen. Since entry of the TRO, Plaintiff has obtained information, including the identification of dozens of foreign accounts, linked to the Defendant Internet Stores which were offering for sale and/or selling Infringing DONICE BLOODWORTH, JR. Products. In the absence of a preliminary injunction, Defendants may attempt to move any assets from any accounts in U.S.-based financial institutions to an offshore account. Therefore, Defendants' frozen assets according to the TRO should remain frozen for the remainder of the proceedings. The amount of damages to which Plaintiff is entitled as set forth in the Complaint far exceeds any amount contained in any of the Defendants' frozen Amazon accounts. As such, an order continuing to freeze the Defendants' assets should be granted.

**IV. CONCLUSION**

In view of the foregoing, Donice Bloodworth, Jr. respectfully requests that this Court enter the preliminary injunction.

DATED: November 28, 2022

Respectfully submitted,

/s/ Keith A. Vogt

Keith A. Vogt (Bar No. 6207971)

Keith Vogt, Ltd.

33 West Jackson Boulevard, #2W

Chicago, Illinois 60604

Telephone: 312-971-6752

E-mail: keith@vogtip.com

***ATTORNEY FOR PLAINTIFF***

**CERTIFICATE OF SERVICE**

I hereby certify that on November 28, 2022, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, I will electronically publish the documents on a website, and I will send an e-mail to any e-mail addresses provided for Defendants by third parties that includes a link to said website.

/s/ Keith A. Vogt  
Keith A. Vogt